



1Pw

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/762,760	
	Filing Date	Jan 22, 2004	
	First Named Inventor	Kassai, Kenzou	
	Art Unit	3636	
	Examiner Name	Brown, P.	
Total Number of Pages in This Submission	3	Attorney Docket Number	01031-1003

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> <u>Response</u> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Ditthavong & Mori, P.C.		
Signature			
Printed name	Phouphanomketh Ditthavong		
Date	May 18, 2006	Reg. No.	44658

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Sachiko Reynolds	Date	May 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Kenzou KASSAI et al.

Application No.: 10/762,760

Examiner: Brown, P.

Filed: January 22, 2004

Group Art Unit: 3636

Attorney Docket No.: 01031-1003

Client Docket No.: FP030011US

For: SEAT BELT GUIDING AUXILIARY DEVICE AND JUVENILE CAR SEAT

Commissioner for Patents
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In response to the restriction requirement of April 18, 2006, Applicants provisionally elect, with traverse, the species of Figures 1-6, encompassing claims 1-16.

The Office Action, on page 2, provides only a conclusory statement for imposing the restriction, stating "The species are independent or distinct because they each disclose embodiments that are patentably distinct and would require additional search." However, MPEP §803.01 clearly states "Examiners must provide reasons and/or examples to support conclusions ... to support the restriction requirement...." No reasoning has been put forth in this instance. The Examiner merely asserts the species are "independent or distinct." MPEP §802.01 states "The term 'independent' (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect...." "Distinct" (MPEP §802.01) means that the "two or more subjects as disclosed are related...but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER." A study of Figures 1-6 and

Figure 7 reveals that the species are neither independent nor distinct, as Figures 1-6 show a configuration for an adult person and Figure 7 is an embodiment for a juvenile.

Further, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

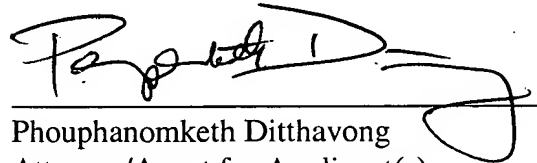
The claims of the present application would appear to be part of an overlapping search area, thus would not constitute a "serious burden."

Accordingly, Applicants respectfully traverse the restriction requirement, and request that each of the pending claims be examined on the merits in the present application.

Respectfully Submitted,

DITTHAVONG & MORI, P.C.

5/18/06
Date


Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

10507 Braddock Road
Suite A
Fairfax, VA 22032
Tel. (703) 425-8508
Fax. (703) 425-8518